

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

ALEX VERL WILLIS, SR

**19-02160-5-DMW
Chapter 13**

OBJECTION TO CONFIRMATION

COMES NOW Wells Fargo Bank, N.A., by and through undersigned Counsel, and hereby objects to the confirmation of the Debtor's plan. The objection is supported as follows:

1. Alex Verl Willis, Sr. ("Debtor"), filed his/her Chapter 13 bankruptcy on May 10, 2019, in the Eastern District of North Carolina, New Bern Division.
2. The petition lists Wells Fargo Bank, N.A. as having a secured claim on the Debtor's real property located at 399 Diamond City Drive, Harkers Island, NC 28531 ("Property"). The Petition lists the Property as the Debtor's principal residence.
3. The Plan lists a pre-petition arrearage amount of \$8,400 due to Wells Fargo Bank, N.A.
4. Wells Fargo Bank, N.A. has not filed a Proof of Claim to date. However, Wells Fargo Bank, N.A. intends to file a Proof of Claim prior to the bar date of July 19, 2019. Upon information and belief, the pre-petition arrearage owed to Wells Fargo Bank, N.A. is \$28,394.11.
5. Pursuant to 11 U.S.C. §1322(b)(2) the plan may not modify a claim secured only by the debtor's principal residence.
6. Under 11 U.S.C. §1325(a)(3), the plan must be proposed in good faith and not by any means forbidden by law.
7. The Plan, as proposed, improperly modifies the claim of Wells Fargo Bank, N.A. due to its failure to account for the appropriate pre-petition arrearage due to Wells Fargo Bank, N.A.
8. The difference in arrears renders the Plan infeasible.
9. Due to the improper modification of the secured claim of Wells Fargo Bank, N.A. and the infeasibility of the Plan, the Plan is not proposed in good faith as required by 11 U.S.C. §1325(a)(3).
10. Wells Fargo Bank, N.A. reserves the right to amend and/or supplement this Objection on or before the date of hearing.

WHEREFORE, Wells Fargo Bank, N.A. prays the Court grant the following relief:

1. Deny confirmation of the Debtor's Plan;
2. In the alternative, dismiss the Debtor's Chapter 13 Petition;
3. Grant Wells Fargo Bank, N.A any further relief that the Court deems just and proper.

This the 20th day of June, 2019

/s/ Andrew Lawrence Vining

Andrew Lawrence Vining, Attorney for Creditor, Bar #
48677

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NOTICE

TAKE NOTICE that an objection has been filed by Wells Fargo Bank, N.A. A copy of the objection accompanies this notice.

TAKE FURTHER NOTICE that a hearing will be held on this objection. The Court will conduct a hearing and provide notice of the time, date and place of hearing.

Dated the 20th day of June, 2019.

/s/ Andrew Lawrence Vining
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Address of Court:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

(Served via U.S. Mail)
Alex Verl Willis, Sr
399 Diamond City Drive
Harkers Island, NC 28531

(Served via U.S. Mail and Electronic Notification)
Blake Y. Boyette
Stubbs & Perdue, P.A.
PO Box 1654
New Bern, NC 28563

(Served via U.S. Mail and Electronic Notification)
Joseph A. Bledsoe, III
PO Box 1618
New Bern, NC 28563

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service or by electronic mail, if applicable. Any party that can be served by electronic mail will receive no other form of notice.

This the 20th day of June, 2019.

/s/ Andrew Lawrence Vining
Andrew Lawrence Vining, Attorney for Creditor,
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